

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF SOUTH CAROLINA

Jules M. Singleton,)	C/A No. 5:12-917-JMC-KDW
)	
Plaintiff,)	
)	
v.)	
)	Report and Recommendation
Officer D. Lee and Inmate Tyrone Grailford,)	
)	
)	
Defendants.)	
_____)	

Plaintiff proceeding pro se brought this action alleging violations of his constitutional rights pursuant to 42 U.S.C. § 1983. This court has previously directed that the Complaint be served on Defendant Inmate Tyrone Grailford; however, the attempted service upon Defendant Grailford at the Alvin S. Glenn Detention Center (“ASGDC”) by the United States Marshal’s Service was returned because Mr. Grailford is no longer housed at ASGDC. By Order dated September 5, 2012, this court quashed the attempted service on Defendant Lee finding that Lee no longer worked at ASGDC and the process-acceptor for his former employer had no authority “by appointment or by law” to accept the process on his behalf. ECF No. 56. Plaintiff was instructed that under Federal Rule of Civil Procedure 4(m) that this court must dismiss an action against a particular defendant who was not served within 120 days after the complaint was filed. *Id.* Plaintiff was directed to provide the Clerk of Court, within 21 days from the date of the Order, with an updated service form with a correct address for Defendants Lee and Grailford. *Id.* On September 28, 2012, Plaintiff was granted a final 30-day extension to provide the Clerk of Court with updated service forms with correct addresses for both Defendants. ECF No. 69. Plaintiff has not responded.

Rule 4(m) of the Federal Rules of Civil Procedure provides that unless a particular defendant is served within 120 days after the complaint is filed, this court must dismiss an action without prejudice as to that particular defendant. *See* Rule 4(m), Fed. R. Civ. P. Because more than 120 days has passed since the filing of Plaintiff's Complaint, and Plaintiff has not provided the Clerk with valid addresses for Defendants, the undersigned recommends that Plaintiff's Complaint be dismissed without prejudice.

IT IS SO RECOMMENDED.

A handwritten signature in black ink, reading "Kaymani D. West". The signature is written in a cursive, flowing style.

November 1, 2012
Florence, South Carolina

Kaymani D. West
United States Magistrate Judge